



# The War on Drugs: The New Jim Crow Era

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## ABSTRACT

Even though the Jim Crow Laws ended decades ago, new policies created during the War on Drugs era disproportionately targeted Black people, making them more vulnerable. The War on Drugs was primarily targeting Black people, which allowed for something legal to have an illegal goal (i.e., mass incarceration of Black people). Contrary to popular belief, the apprehension of individuals who were involved in drug dealing and abuse did not decrease trafficking or consumption. What these policies did in fact led to was the mass incarceration of Black people and the systematic oppression of an entire group.

**Keywords:** Equality, Jim Crow laws, drug abuse, incarceration, discrimination, criminalization,

**Subject:** Political History

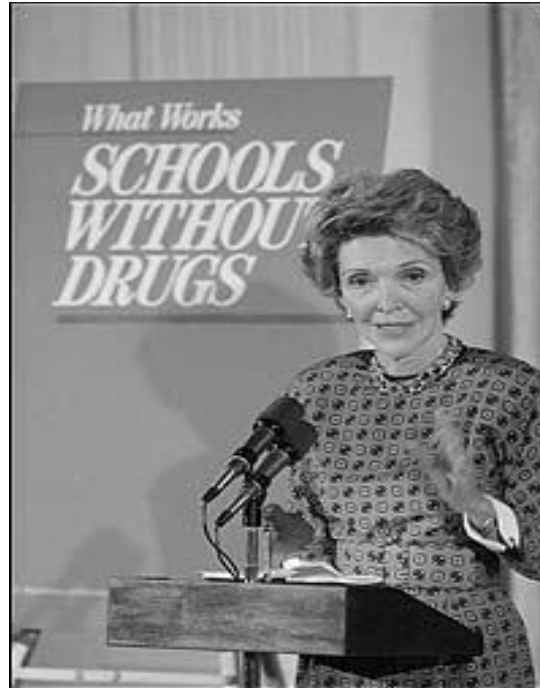
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## INTRODUCTION

The United States is a nation that defends equality. As it was stated in the Declaration of Independence, “all men are created equal” (*U.S. Constitution*) which means that U.S. citizens legally have certain unalienable rights, which include “Life, Liberty and the pursuit of Happiness” (*U.S. Constitution*). However, starting in 1581 (*North American Slavery Timeline*), when the first enslaved Africans started to arrive in the southern states, there has always been a discrepancy between those afforded the rights and freedoms protected by the constitution and those denied. After slavery was abolished, Jim Crow—a system in the United States that legalized racial discrimination and segregation – was implemented (Pilgrim, 2000). Despite *Brown v Board of Education* being overturned in 1954, the structural oppression of African Americans continues today through the policies from the War on Drugs that disproportionately target Black people (*History.com Editor*, 2009). How these policies - created during the *War on Drugs*, can be understood as a continuation of those from the Jim Crow Era - will be analyzed at a national level in this paper.

## HISTORY

The *War on Drugs* in the United States was first established by President Nixon in 1971, with his statement that drugs were the most important threat to the American people (*NPR*, 2007). During Ronald Reagan’s presidency (1981-1989), his wife, Nancy Reagan launched the “Just Say No” campaign, which commenced concurrently with her husband’s agenda of drug criminalization. The results of Mrs. Reagan’s campaign were zero-tolerance policies in the 1980s (*A History of the Drug War*). In 1986, President Reagan approves the Anti-Drug Abuse Act of 1986, allocating \$1.7 billion to fight the war on drugs using both soft and hard power (*NPR*, 2007). This bill also created mandatory minimum sentences for drug-related charges (*NPR*, 2007). Notably, the sentences associated with “crack” cocaine were up to 10 times higher than those for powdered cocaine (DuVernay, 2016).



**Nancy Reagan’s “Just Say No” campaign**

The War on Drugs was primarily focused on “crack”, which was predominantly found in Black communities (DuVernay, 2007). As John Ehrlichman, a top Richard Nixon aide, once admitted, “by getting the public to associate [...] blacks with heroin, and then criminalizing [it] heavily, we could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did” (*A History of the Drug War*). The mainstream media at this time portrayed mostly Black men when reporting “crack” or other drug apprehensions. This led the public to associate drugs with African American men.

**The Modern Jim Crow Era**

Correspondingly, this representation from the media that “Black men are dangerous and criminals' ' can be related to those made in the Jim Crow Era, when movies of Black men committing crimes were widely spread and were considered reasons as to why punishing Black men was acceptable. Essentially, this depiction of Black men is central to rationalizing the mass incarceration that started during Reagan’s presidency. However, mass incarceration did not reduce after Reagan left his office, considering the fact that there are currently more African Americans in correctional facilities than there were enslaved people in 1850 – a decade before the Civil War began (Alexander, 2010).



**Common depiction of Black men during the War on Drugs**



As it was written in the thirteenth amendment in 1865, slavery is prohibited in the United States; however, there is an exception for those who have committed a crime (U.S. Constitution – Thirteenth Amendment). Presently, convicted felons have multiple rights taken away from them. Felons do not have the right to “vote and hold public office,” they do not have “employment and domestic rights,” and they do not have “financial and contractual rights” (Pease, 1984), all of which, similarly to Jim Crow laws, legalize discrimination in the United States. Companies and employers are legally allowed to refuse employment to those who are felons, and, since “Black men are six times as likely to be incarcerated as white men,” (*Criminal Justice Facts*, 2021) they are more likely to be denied employment. Those Black men who have been labeled felons for life can be “denied the right to vote, automatically excluded from juries, and legally discriminated against in employment housing, access to education, and public benefits” (Alexander, 2010). The similarities between these laws and those from the Jim Crow era are stark.

Although some people give a “colorblind explanation” to the reason why there are more Black men in prison than white ones (e.g., they simply commit more crimes), it is worth noting that “crime rates do not explain the sudden and dramatic mass incarceration of African Americans during the past 30 years. Crime rates have fluctuated over the last few decades – they are currently at historical lows – but imprisonment rates have consistently soared” (Alexander, 2010). Furthermore, the War on Drugs has been almost exclusively focused on poor and marginalized communities, even though some studies indicate that “white youth are significantly more likely to engage in illegal drug dealing than Black youth” (Alexander, 2010); once again contradicting the argument that Black people are innately dangerous and more likely to commit felonies.

Moreover, arguments in favor of the criminalization of drug-related crimes, do not fully justify the War on Drugs that was declared by president Nixon in 1982, considering that this was a period in which drug crime was decreasing (Alexander, 2010). “From the outset, the war had little to do with drug crime and nearly everything to do with racial politics” (Alexander, 2010). As was said by H.R. Haldeman, President Nixon’s White House Chief of Staff, “the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to” (Alexander, 2010). Once again this illustrates the fact that the War on Drugs was mostly focused on criminalizing Black and minority communities than it focused on decreasing drug abuse. This can be seen in the false assumption that Black people are better off in the current society than they were decades ago.

As it was explained by Michelle Alexander, the author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Recent data shows, though, that much of Black progress is a myth. In many respects, African Americans are doing no better than they were when Martin Luther King Jr. was assassinated and uprisings swept inner cities across America. Nearly a quarter of African Americans live below the poverty line today, approximately the same percentage as in 1968. The black child poverty rate is actually higher now than it was then. Unemployment rates in black communities rival those in Third World Countries. [...] When we pull back the curtain and take a look at what our “colorblind” society creates without affirmative action, we see a familiar social, political, and economic structure – the structure of racial caste. The entrance into this new caste system can be found at the prison gate.

Thus, the belief that the War on Drugs was beneficial to reducing drug-related crimes, or improving the lives of Black people in America has been repeatedly proven to be a myth.

Even with concrete proof that the War on Drugs unequally affects Black people and other minorities, in 1995, Congress ignored the recommendations from the U.S. Sentencing Commission: “the U.S. Sentencing Commission releases a report that acknowledges the racial disparities for prison sentencing for cocaine versus crack. The commission suggests reducing the discrepancy, but Congress overrides its recommendations for the first time in history” (*NPR*, 2007). This is the first time that when faced with the consequences of the war on drugs and a possible improvement to the lives of millions of people, Congress decided to not remedy the situation.

Even though when President Nixon declared the War on Drugs in 1971 the majority of Americans believed that the best way to deal with drug consumption was to criminalize them heavily, public opinion has “shifted dramatically in favor of sensible reforms that expand health-based approaches while reducing the role of criminalization in drug policy” (*A History of the Drug War*). It has been seen in the U.S. that the criminalization approach taken in the War on Drugs inadvertently led to “an arms race between law enforcement and violent trafficking organizations [making] those markets more ruthless, and [increasing] the homicide rates” (*The Leadership Conference Education Fund*, 2019). This means that the criminalization of drugs led to an increase in violence within the drug industry. Yet, the arrest and incarceration of tens of millions of people in recent years has filled prisons and destroyed lives “without reducing the availability of illicit drugs or the power of criminal organizations” (*The Leadership Conference Education Fund*, 2019).



A possible solution to this conundrum with immense impacts on Black communities is to treat drug addicts as people in need of treatment (patients), and the demand for illegal drugs as a market. This would mean that the billions of dollars spent on the War on Drugs in the United States would then go toward rehabilitation, buying syringes and providing them to addicts in order to reduce the transmission of HIV/AIDs, and other techniques that focus on the implementation of safe drug use and not on the criminalization of it (Pilgrim, 2000). Not only could this reduce the health risks of drug abuse, but it would also fight against the structural issues faced by Black people in America.

### CONCLUSION

The concept of the War on Drugs started defectively by disproportionately targeting Black and minority communities. As mentioned, not even Nixon – the avid defender of the War on Drugs – hoped to have a drug-free country; allegedly, his underlying goal was to criminalize the Black community and he found a way to legally do that, without explicitly stating his intentions. The resistance from former presidents to expiate this situation and improve the lives of those they swore to protect is only further proof of their goal to target Black people and control those who go against their agendas. Yet, this issue is not irreversible, considering that there are possible solutions that have the goal of decriminalizing Black people and reducing mass incarceration.

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